

Urban Areas Coalition

City of Kansas City
City of St. Joseph
Little Blue Valley Sewer District
Metropolitan St. Louis Sewer District
City of Columbia
City of Moberly
City of Jefferson City
City of Independence
City of Macon
City of Springfield
City of Joplin

December 16, 2004

Ms. Marlene Kirchner
Commission Secretary
Missouri Clean Water Commission
Water Protection Program
P.O. Box 176
Jefferson City, MO 65102

Re: Comments on the Regulatory Impact Report for Proposed Rule Amendment 10
CSR 20-7.031 Water Quality Standards

Dear Ms. Kirchner:

The Urban Areas Coalition (UAC) has completed a review of the "Regulatory Impact Report for Proposed Rule Amendment 10 CSR 20-7.031 Water Quality Standards" (RIR) prepared by the Missouri Department of Natural Resources (DNR). This letter is intended to express our support for revision of this important document and to seek clarification on the process that DNR will use to address comments on the RIR. Our principle concerns are included in this letter, whereas the attachment to this letter provides specific, technical comments on the RIR.

We commend the DNR for taking steps to move ahead with important changes to the Water Quality Standards. We understand that the proposed rules are in response to a letter from EPA on September 8, 2000 that disapproved some portions of the water quality standards and that the proposed rules are the first phase of a three-phase schedule to address the issues raised by EPA. We also understand that the Missouri Coalition for the Environment has sued EPA to force the state to promptly comply with these issues. We are concerned, however, that the RIR does not meet the intent of 640.015 RSMo which, as stated in the RIR, is to:

- Provide a summary of information, discussion, input, and rationale used by DNR in development of the draft rule; and
- Ensure accountability, consistency, and transparency in the rulemaking process.

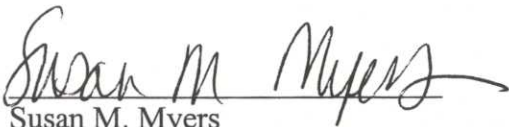
We believe the current version of the RIR sets a poor precedent for future environmental rulemaking in the state. More specifically, we believe the RIR is not acceptable as written because the RIR:

- Does not adequately identify nor describe all persons that will be affected by the proposed rule, specifically those that will bear the costs;
- Fails to quantify the incremental environmental benefits of the proposed rule and relies on subjective and inappropriate statements when describing environmental benefits;
- Does not adequately describe the economic costs of the proposed rule and lacks sufficient backup information to support the economic analyses that were presented; and
- Does not consider the impact of the proposed rule on wet weather discharges, including urban stormwater runoff, POTW peak flows, combined sewer overflows, and agricultural runoff.

These issues are commented on in detail in the attachment to this letter. We would be happy to meet with you to discuss what actions could be taken to address these concerns. The UAC appreciates your consideration of these comments. We also ask that you clarify the process that DNR will use for posting and responding to significant comments on the RIR prior to promulgation of the rule so that we can better understand the process and develop a plan to work with you to resolve these issues.

Please feel free to contact us should you have any questions related to these issues.

Sincerely,



Susan M. Myers
Urban Areas Coalition
2350 Market Street
St. Louis, MO 63103
(314) 768-6366
(314) 768-6279 FAX
smyers@stlmsd.com

C:

Commissioner Thomas Herrmann
UAC members

**“Regulatory Impact Report for Proposed Rule Amendment
10 CSR 20-7.031 Water Quality Standards”**

The following comments have been arranged by the section headings in the Regulatory Impact Report (RIR).

1. Does the rulemaking adopt rules from the US Environmental Protection Agency or rules from other applicable federal agencies without variances?

The RIR states that the rulemaking would establish new standards that are “functionally equivalent” to the CWA.

Note that paragraph 8 of 640.015 RSMo waives the requirement to develop a RIR if federal rules are adopted without variance. This could be interpreted to mean that other rule changes could be included in the proposed rules package as long as they are adopted from federal rules without variance. For example, if the effluent rules package included requirements for permitting of CSOs to conform to the Federal CSO Control Policy, then no RIR or modifications to these RIRs would be required.

Comment: We ask the DNR to clarify that, in accordance with paragraph 8 of 640.015 RSMo, federal rules adopted without variance do not require a RIR and, as such, could be included in the proposed rules package without being specifically addressed in the RIR.

2. Report on peer-reviewed scientific data used to commence the rulemaking process.

Comment: Peer-reviewed scientific data does not appear to be presented for all proposed rules changes. Specifically, data that were used to develop the proposed definition of catastrophic event and the determination of why it is an appropriate condition for exemption of bacteria criteria are not presented.

3. Description of persons who will most likely be affected by the proposed rule, including persons that will bear the costs of the proposed rule and persons that will benefit from the proposed rule.

Comment: The statement “Proponents include Sierra Club and Missouri Coalition for the Environment...” should be stricken because it is subjective and does not address the intent of this requirement of 640.015 RSMo. Citizens and the entities responsible for discharges also support portions of the rules changes.

Instead, the report should state that any person or entity served by a public or private sewer system, any person living within a Municipal Separate Storm Sewer System (MS4), any entity responsible for a permitted discharge, and any person or entity responsible for stormwater runoff, including agricultural runoff, may be affected and bear the costs.

Those benefiting from the proposed rule are difficult to identify.

4. Description of the environmental and economic costs and benefits of the proposed rule.

Comment: The discussion of Environmental Benefits summarizes the proposed rules changes but does not quantify the environmental benefits of those changes.

Comment: The discussion of Environmental Costs states: *"The environmental costs from inaction are substantial. These costs are briefly explained in Section 6 of this report."* These statements should be stricken as they do not relate to the environmental costs of the proposed rules, they are subjective, and they are not supported by quantitative information. Also, this section does not address the environmental costs of the use of chlorine for disinfection of effluents. These costs include the potential threat to human health from accidental releases of chlorine and chlorine residual impacts on aquatic life, though these issues are discussed in Section 13.

Comment: The discussion of Economic Costs does not include sufficient detail to review the adequacy of the cost estimates. The following cost considerations should be included and addressed in the RIR:

- Unit rate assumptions used in the RIR should be described.
- Financing and life cycle costs should be included.
- Costs for dechlorination should be considered for any facility assumed to use chlorine disinfection.
- Costs for additional filtration should be considered for any facility assumed to use UV disinfection.

Comment: The RIR should list all individual POTWs along with the flows used in the cost estimates, assumptions for each facility, and the cost per facility. For example, the UAC believes that there are more than 7 POTWs with flows greater than 20 MGD that may be impacted by the proposed rule changes.

Comment: In developing costs for POTWs it is unclear what flows were used. If design flows were used, consideration of peak flows should be included in the costs.

Comment: Costs for complying with the proposed rules for whole body contact recreation (WBCR) and bacteria criteria should also be estimated for wet weather discharges including: peak flow treatment facilities; combined sewer systems; municipal separate storm sewer systems (MS4s); and agricultural facilities. This is an extremely important issue that the RIR has overlooked.

Comment: The cost of conducting Use Attainability Analyses (UAAs) should be included for all facilities that currently discharge to streams that have not been designated for WBCR.

Comment: Facilities will initially have to test for both fecal coliform and *E. coli*, therefore, costs for both should be included in Table 4.

Comment: Costs have not been presented for facilities that may be impacted by the proposed elimination of a mixing zone allowance for Class C streams and where 7Q10 flows are less than 0.1 cfs.

Comment: Costs have not been presented for facilities that may need to improve treatment to meet new metals and toxics criteria.

Comment: The RIR discussion of effects on small business only includes wastewater treatment facilities that would be required to install disinfection. The RIR should be expanded to include other small businesses likely to be affected by the WQS rulemaking. For example, all types of small businesses with sanitary sewer connections may be subject to sewer rate increases as a

result of wastewater treatment facility upgrades that will be required as a consequence of this rule. Small electroplating and metal finishing businesses could experience additional treatment costs as publicly owned treatment works adjust local pretreatment limits in order to comply with stricter metals limitations in discharge permits.

5. Probable cost to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue.

Comment: The cost to the agency does not include consideration of the cost of developing and implementing TMDLs. It should be assumed that the majority of reaches affected by stormwater runoff will require TMDLs for bacteria.

Comment: The cost to the agency does not include recalculation of effluent limits due to changes in ammonia, metals, and other criteria. This effort will likely increase the cost of permit renewals.

Comment: The cost to the agency for development of an anti-degradation implementation procedure has not been addressed.

6. Comparison of the probable costs and benefits of the proposed rule to the probable cost and benefits of inaction, which includes both economic and environmental costs and benefits.

Comment: The phrase “What price is good health worth?” should be stricken as it is subjective and assumes that public health is actually being adversely affected. “Good health” is not necessarily a direct outcome of the proposed rule changes.

Comment: The last sentence of the first paragraph implies that inaction will result in lowered health and diminished resources. This is not the case. Rather, inaction would maintain the current level of protection provided by the existing rules and the proposed rules would result in some incremental improvement that the RIR should attempt to quantify.

Comment: Information should be provided regarding the risk of waterborne diseases due to sewage relative to the risk of foodborne illnesses or zoonoses. Information also exists to provide economic valuation to recreational resources that the state believes will be improved if the proposed changes are adopted (e.g., value of beaches or other primary contact recreation areas and closure costs).

7. Determination of whether there are less costly or less intrusive methods for achieving the proposed rule.

No comments.

8. Description of any alternative method for achieving the purpose of the proposed rule that were seriously considered by the department and the reasons why they were rejected in favor of the proposed rule.

Comment: The report refers to EPA guidelines in selection of the proposed standards and defers to EPA’s rationale. Yet, in the case of CSOs, the state has not deferred to the use of federal rules, policy and guidance. Permitting of CSOs is largely dependent on recreational use designation and application of bacteria criteria. Therefore, rules changes related to one component of the water quality standards should consider the impacts to related components of the water quality standards and effluent regulations. Appropriate changes should be made to all related

components of the rules, including tiered aquatic life and recreational uses in the water quality standards and permitting of CSOs and other wet weather discharges in the Effluent Regulations.

9. Analysis of both short-term and long-term consequences of the proposed rule.

Comment: This section provides a summary of the rules changes yet provides little analysis of short-term and long-term consequences of the proposed rule. Specifically, no consideration has been made regarding the implications of increased sewer rates on local or state economies, such as: increased burden on urban centers; and the potential for businesses to move away, cease discharging to the POTW (which will increase residential rates), or not relocate to affected communities.

Comment: In the discussion on the “Analytical method for drinking water supply metals”, “Metals criteria for aquatic life protection” and “Table A-Criteria for Designated Uses” the RIR states that the number of significant industrial users (SIUs) that may be affected is unknown. It is our understanding that DNR’s Pretreatment Coordinator maintains a database of SIUs. If not, this information should be readily available from the EPA Region 7 Pretreatment Coordinator. Table 11 lists the number of facilities monitoring for metals. It is unclear whether the private facility totals in Table 11 include indirect dischargers or just direct dischargers with NPDES permit limits for metals.

10. Explanation of the risks to human health, public welfare or the environment addressed by the proposed rule.

Comment: This section provides no explanation or quantitative information, but refers to Section 4 and EPA documents.

11. Identification of the sources of scientific information used in evaluating the risk and a summary of such information.

Refers to Section 2, Appendix A, and EPA documents. No comment.

12. Description and impact statement of any uncertainties and assumptions made in conducting the analysis on the resulting risk estimate.

Defers to EPA. No comment.

13. Description of any significant countervailing risks that may be caused by the proposed rule.

Comment: The RIR does not consider countervailing risks associated with chlorine disinfection for CSOs or stormwater that may be required to comply with the proposed rules.

Comment: The RIR does not adequately describe the risks to public safety posed by potential chlorine releases.

14. Identification of alternative regulatory approaches that will produce comparable human health, public welfare or environmental outcomes.

Comment: A number of alternative approaches were discussed during stakeholder meetings that have not been addressed in this report. These include:

- Phased approach to recreational use designations allowing time for development of UAAs; and

- Revised waterbody classifications, beneficial uses, and applicable criteria to consider tiered approaches for aquatic life and recreation.

15. Information on how to provide comments on the RIR during the 60-day public comment period before the rule is provided to the Secretary of State.

Comment: Please clarify the process that DNR will use for posting and responding to significant comments on the RIR prior to promulgation of the rule so that we can better understand the process and develop a plan to work with you to resolve important issues.

16. Information on how to request a copy of comments or the web information about where comments will be located.

Comment: See Comment on Section 15 above.

Appendix A. Technical Documents and Data Used in Developing Proposed Rule

Comment: The raw data and associated analysis should be presented in the RIR.

Appendices B and C. Minutes from Stakeholder Meetings in 2001 and 2003

Comment: The DNR has included stakeholder meeting minutes as attachments to the RIR. While we do not disagree that they may provide beneficial information, we are concerned that the minutes were never distributed to the attendees for review and comment before being finalized. Without an opportunity for review and comment by all attendees, the minutes may misrepresent comments, opinions, and suggestions shared by those in attendance. We strongly suggest that, in the future, DNR distribute draft minutes to all attendees for review and comment within two weeks of the meeting, and address comments appropriately.



KANSAS CITY
MISSOURI

Water Services Department

Office of the Director

4800 East 63rd Street
Kansas City, Missouri 64130

(816) 513-0271
Fax: (816) 513-0185

By Facsimile (573) 526-1146

December 15, 2004

Ms. Marlene Kirchner
Commission Secretary
Missouri Clean Water Commission
Water Protection Program
P.O. Box 176
Jefferson City, MO 65102

RE: Comments on the Regulatory Impact Report for Proposed Rule Amendment 10
CSR 20-7.031 Water Quality Standards

Dear Ms Kirchner:

The Urban Area Coalition (UAC) has submitted comments to the Missouri Clean Water Commission on the Regulatory Impact Report (RIR) prepared by the Department of Natural Resources to support revision to the water quality standards in 10 CSR 20-7.031.

The City of Kansas City, Missouri, Water Services Department, fully supports the comments submitted by the UAC. We encourage the Missouri Department of Natural Resources and the Clean Water Commission to consider these comments and to provide responses that will result in an improved and effective RIR.

Please call me if you have any questions related to this matter.

Sincerely,

Franklyn W. Pogge
Director

City of St. Joseph

1100 Frederick Avenue, St. Joseph, Missouri 64501

December 16, 2004

Ms. Marlene Kirchner
Commission Secretary
Missouri Clean Water Commission
Water Protection Program
P.O. Box 176
Jefferson City, MO 65102

Re: Comments on the Regulatory Impact Report for Proposed Rule Amendment 10 CSR 20-7.031 Water Quality Standards

Dear Ms. Kirchner:

The City of St. Joseph Public Works Department has completed a review of the "Regulatory Impact Report for Proposed Rule Amendment 10 CSR 20-7.031 Water Quality Standards" (RIR) prepared by the Missouri Department of Natural Resources (DNR). This letter is intended to express our support for revision of this important document and to seek clarification on the process that DNR will use to address comments on the RIR. Our principle concerns are included in this letter, whereas the attachment to this letter provides specific, technical comments on the RIR.

We commend the DNR for taking steps to move ahead with important changes to the Water Quality Standards. We understand that the proposed rules are in response to a letter from EPA on September 8, 2000 that disapproved some portions of the water quality standards and that the proposed rules are the first phase of a three-phase schedule to address the issues raised by EPA. We also understand that the Missouri Coalition for the Environment has sued EPA to force the state to promptly comply with these issues. We are concerned, however, that the RIR does not meet the intent of 640.015 RSMo which, as stated in the RIR, is to:

- Provide a summary of information, discussion, input, and rationale used by DNR in development of the draft rule; and
- Ensure accountability, consistency, and transparency in the rulemaking process.

We believe the current version of the RIR sets a poor precedent for future environmental rulemaking in the state. More specifically, we believe the RIR is not acceptable as written because the RIR:

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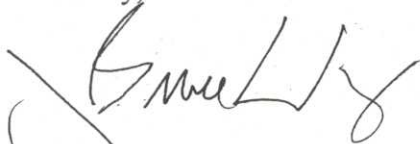
Ms. Marlene Kirchner
December 16, 2004
Page 2

- Fails to quantify the incremental environmental benefits of the proposed rule and relies on subjective and inappropriate statements when describing environmental benefits;
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These issues are commented on in detail in the attachment to this letter. We would be happy to meet with you to discuss what actions could be taken to address these concerns. The City of St. Joseph appreciates your consideration of these comments. We also ask that you clarify the process that DNR will use for posting and responding to significant comments on the RIR prior to promulgation of the rule so that we can better understand the process and develop a plan to work with you to resolve these issues.

Please feel free to contact me at (816) 271-4653 should you have any questions related to these issues.

Sincerely,



J. Bruce Woody, P.E.
Director of Public Works and Transportation

Enclosures

- cc: Vince Capell, City Manager
Andrew Clements, A.I.C.P., Assistant Director of Public Works
Roger Sparks, P.W., City Engineer
Don Gilpin, Superintendent of Wastewater Treatment
Commissioner Thomas Herrmann
UAC members



LITTLE BLUE VALLEY SEWER DISTRICT

H.A. Jones Administration Building
21101 East 78 Highway
Independence, MO 64057
(816) 796-7660
FAX: (816) 796-5910

Atherton Wastewater Treatment Plant
21208 East Old Atherton Road
Independence, MO 64058
(816) 796-9191
FAX: (816) 796-3500

December 16, 2004

Ms. Marlene Kirchner
Commission Secretary
Missouri Clean Water Commission
Water Protection Program
P.O. Box 176
Jefferson City, Missouri 65102

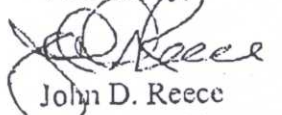
Re: Comments on the Regulatory Impact Report for Proposed Rule Amendment 10
CSR 20-7.031 Water Quality Standards

Dear Ms. Kirchner:

The Little Blue Valley Sewer District has completed review of the "Regulatory Impact Report for Proposed Rule Amendment 10 CSR 20-7.031 Water Quality Standards" (RIR) prepared by the Missouri Department of Natural Resources (DNR). The purpose of this letter is two fold, to express support for the revisions and to seek clarification on the process that DNR will use to address comments on the RIR.

The Urban Areas Coalition has commented on the RIR by letter dated December 16, 2004 and sent comments on the proposed rule amendments. The Little Blue Valley Sewer District supports the UAC position. A copy of their letter and comments are attached.

Yours truly,


John D. Reece
Executive Director

Cc: Terry Satterlee

MISSION:

"Our mission is to provide excellent wastewater services which protect the public health and improve the environment of our region"

VISION:

"The Little Blue Valley Sewer District will be a strong partner in regional planning and resource sharing, anticipating and responding to both environmental and economic needs"



Metropolitan St. Louis Sewer District

Office of Environmental Compliance
10 East Grand Avenue
St. Louis, MO 63147-2913
(314) 436-8710
FAX (314) 436-8753

December 16, 2004

Ms. Marlene Kirchner
Commission Secretary
Missouri Clean Water Commission
Water Protection Program
P.O. Box 176
Jefferson City, MO 65102

Re: Comments on the Regulatory Impact Report for Proposed Rule Amendment 10
CSR 20-7.031 Water Quality Standards

Dear Ms. Kirchner:

The Metropolitan St. Louis Sewer District (MSD) has completed a review of the "Regulatory Impact Report for Proposed Rule Amendment 10 CSR 20-7.031 Water Quality Standards" (RIR) prepared by the Missouri Department of Natural Resources (DNR). This letter is intended to express our support for revision of this important document and to seek clarification on the process that DNR will use to address comments on the RIR. Our principle concerns are included in this letter, whereas the attachment to this letter provides specific, technical comments on the RIR.

We commend the DNR for taking steps to move ahead with important changes to the Water Quality Standards. We understand that the proposed rules are in response to a letter from EPA on September 8, 2000 that disapproved some portions of the water quality standards. We also understand that the Missouri Coalition for the Environment has sued EPA to force the state to promptly comply with these issues. We are concerned, however, that the RIR does not meet the intent of 640.015 RSMo which, as stated in the RIR, is to:

- Provide a summary of information, discussion, input, and rationale used by DNR in development of the draft rule; and
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We believe the current version of the RIR sets a poor precedent for future environmental rulemaking in the state. More specifically, we believe the RIR is not acceptable as written because the RIR:

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These issues are commented on in detail in the attachment to this letter. We would be happy to meet with you to discuss what actions could be taken to address these concerns. The MSD appreciates your consideration of these comments. We also ask that you clarify the process that DNR will use for posting and responding to significant comments on the RIR prior to promulgation of the rule so that we can better understand the process and develop a plan to work with you to resolve these issues.

Please feel free to contact us should you have any questions related to these issues.

Sincerely,

METROPOLITAN ST. LOUIS SEWER DISTRICT

A handwritten signature in black ink that reads "John R. Lodderhose". The signature is written in a cursive, flowing style.

John R. Lodderhose, P.E.

Assistant Director

Environmental Compliance

(314) 436-8714

City of

Moberly!

101 West Reed Street ■ Moberly, Missouri 65270-1551
Phone: (660) 263-4420
Fax: (660) 263-9398

December 16, 2004

Ms. Marlene Kirchner
Commission Secretary
Missouri Clean Water Commission
Water Protection Program
P.O. Box 176
Jefferson City, MO 65102

Re: Comments on the Regulatory Impact Report for Proposed Rule
Amendment 10 CSR 20-7.031 Water Quality Standards

Dear Ms. Kirchner:

The City of Moberly wishes to support the comments and position of the Urban Areas Coalition (UAC) review of the "Regulatory Impact Report for Proposed Rule Amendment 10 CSR 20-7.031 Water Quality Standards" (RIR) prepared by the Missouri Department of Natural Resources (DNR). This letter is intended to express our support for revision of this important document and to seek clarification on the process that DNR will use to address comments on the RIR. Our principle concerns are included in this letter, whereas the attachment to this letter provides specific, technical comments on the RIR.

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- Ensure accountability, consistency, and transparency in the rulemaking process.

Hall
263-4420

Manager
269-8705
2062

Clerk
269-8706
2053

Enforcement/
Holding Inspection
0-269-8705
2038

Community
Development
10-269-8705
2036

Finance
50-269-8705
2073

Fire Non-Emergency
60-269-8705
2036

Emergency - 911

Landfill
180-277-4843

Parks & Recreation
660-263-6757

Personnel/
Purchasing
660-263-8706
Ext. 2069

Police Non-Emergency
660-263-0346

Public Works
660-263-8705
Ext. 2038
Sanitation/
Street Maintenance
660-263-9451

Utility Billing
660-263-4420

Water/Wastewater
660-263-8705
Ext. 2038

We believe the current version of the RIR sets a poor precedent for future environmental rulemaking in the state. More specifically, we believe the RIR is not acceptable as written because the RIR:

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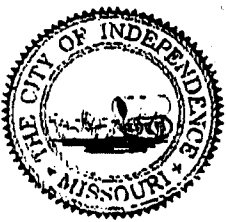
Please feel free to contact us should you have any questions related to these issues.

Sincerely,

Mary E. West

Mary E. West
Director of Public Utilities

Cc: *Urban Areas Coalition*



City of Independence

WATER POLLUTION CONTROL DEPARTMENT

P.O. BOX 1019 • INDEPENDENCE, MISSOURI 64051-0519 • (816) 325-7711 • FAX (816) 325-7722

AN EQUAL OPPORTUNITY EMPLOYER

December 16, 2004

Ms. Marlene Kirchner
Commission Secretary
Missouri Clean Water Commission
Water Protection Program
P.O. Box 176
Jefferson City, MO 65102

Re: Comments on the Regulatory Impact Reports for Proposed Rule Amendments
10 CSR 20-7.015 and 10 CSR 20-7.031

Dear Ms. Kirchner:

The City of Independence Water Pollution Control Department supports the Urban Areas Coalition (UAC) Comments on the Regulatory Impact Report for Proposed Rule Amendment 10 CSR 20-7.015 Effluent Regulations and on the Regulatory Impact Report for Proposed Rule Amendment 10 CSR 20-7.031 Water Quality Standards. Copies of the UAC comment letters are transmitted herewith.

If you have any questions or wish to discuss these matters further, please feel free to contact me or Dorris Bender at (816) 325-7711.

Sincerely,

A handwritten signature in black ink, appearing to read "Dick Champion, Jr.", is written over a horizontal line.

Dick Champion, Jr.
Director, Water Pollution Control

DC:db

Enclosures

c: Commissioner Thomas Herrmann, c/o Ms. Marlene Kirchner, DNR



December 15, 2004

Ms. Marlene Kirchner
Commission Secretary
Missouri Clean Water Commission
Water Protection Program
P.O. Box 176
Jefferson City, MO 65102

Re: Comments on the Regulatory Impact Report for Proposed Rule Amendment 10
CSR 20-7.031 Water Quality Standards

Dear Ms. Kirchner:

The City of Springfield has completed a review of the "Regulatory Impact Report for Proposed Rule Amendment 10 CSR 20-7.031 Water Quality Standards" (RIR) prepared by the Missouri Department of Natural Resources (DNR). This letter is intended to express our support for revision of this important document and to seek clarification on the process that DNR will use to address comments on the RIR. Our principle concerns are included in this letter, whereas the attachment to this letter provides specific, technical comments on the RIR.

We commend the DNR for taking steps to move ahead with important changes to the Water Quality Standards. We understand that the proposed rules are in response to a letter from EPA on September 8, 2000 that disapproved some portions of the water quality standards and that the proposed rules are the first phase of a three-phase schedule to address the issues raised by EPA. We also understand that the Missouri Coalition for the Environment has sued EPA to force the state to promptly comply with these issues. We are concerned, however, that the RIR does not meet the intent of 640.015 RSMo which, as stated in the RIR, is to:

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- Does not adequately identify nor describe all persons that will be affected by the proposed rule, specifically those that will be impacted and that will bear the costs;
- Does not provide supporting information to justify the proposed compliance schedules;

DEPARTMENT OF PUBLIC WORKS

840 Boonville Avenue, P.O. Box 8368 Springfield, Missouri 65801-8368
phone: (417) 864-1923

homepage: <http://www.springfieldmo.gov> e-mail: city@ci.springfield.mo.us

- Fails to quantify the environmental benefits of the proposed rule and relies on subjective and inappropriate statements when describing environmental benefits;
- Does not adequately describe the economic costs of the proposed rule and lacks sufficient backup information to support the economic conclusions that were presented; and
- Does not provide any consideration in the proposed rule for the exceptional conditions faced during high storm flows such as urban storm water runoff, POTW peak flows, wet weather discharges, combined sewer overflows, agricultural runoff and flooded stream conditions. We believe the current version of the RIR sets a poor precedent for future environmental rulemaking in the state. More specifically, we believe the RIR is not acceptable as written because the RIR:

These issues are commented on in detail in the attachment to this letter. We would be happy to meet with you to discuss what actions could be taken to address these concerns. The City of Springfield appreciates your consideration of these comments. We also ask that you clarify the process that DNR will use for posting and responding to significant comments on the RIR prior to promulgation of the rule so that we can better understand the process and develop a plan to work with you to resolve these issues.

Please feel free to contact us should you have any questions related to these issues.

Sincerely,



Edward G. Malter, P.E.
Superintendent, Sanitary Services

C:
Commissioner Thomas Herrmann
UAC members